

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

HAROLD J. YOUNG, SR.,)	
Plaintiff)	
)	
vs.)	2:08cv681
)	Electronic Filing
EDITH YOUNG, WIFE; MERCK & CO.)	Judge David Stewart Cercone/
INC., et al.)	Magistrate Judge Amy Reynolds Hay
Defendants)	

rd **ORDER**

AND NOW, this 23 day of April, 2009, after the Plaintiff,

Harold J. Young, Sr., filed an action in the above-captioned case, and after Defendant Merck filed a Motion to Dismiss and after a Report and Recommendation was filed by the United States Magistrate Judge giving the plaintiff until April 9, 2009 to file written objections thereto, and plaintiff having filed objections to the report and recommendation which are without merit and Defendant having filed a response to the objections, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that the motion to dismiss filed by Merck & Co., Inc. Is granted and that the Complaint is dismissed in its entirety pursuant to 28 U.S.C. §1915(e)(2).

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the parties desire to appeal from this Order they must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed.R.App.P.

A handwritten signature in black ink, appearing to read "DS Cercone", with a long horizontal flourish extending to the right.

DAVID STEWART CERCONI
United States District Judge

cc: Honorable Amy Reynolds Hay
United States Magistrate Judge

Harold J. Young, Sr.
160 Delaware Drive
Coraopolis, PA 15108

Counsel of Record via CM-ECF